

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE:

B-216243

DATE:

November 30, 1984

MATTER OF:

Crimson Enterprises, Inc.

DIGEST:

GAO will not consider protest against cost comparison calculation under Office of Management and Budget Circular No. A-76 until the protester has exhausted the contracting agency's administrative review procedures.

Crimson Enterprises, Inc. (Crimson), protests the cost comparison by the Department of the Interior (Interior) to determine whether to make an award under invitation for bids No. 1200-84-016 or to perform the work in-house. Interior made this comparison under the rules set forth in Office of Management and Budget Circular No. A-76 (A-76).

We dismiss the protest.

Interior determined to perform the work in-house rather than to make an award to Crimson, the only bidder. Crimson protested this determination to our Office. Crimson did not appeal Interior's determination to the Interior Board of Contract Appeals (Board). Under 43 C.F.R. subpart M (1983), Interior has designated the Board as the proper forum to consider appeals of A-76 determinations and to render the final decision for the agency on such matters.

Although we will review A-76 cost evaluations to assure that bidders are not induced to prepare and submit bids which are later arbitrarily rejected due to an erroneous cost comparison, we will not consider protests involving such comparisons until the contracting agency's administrative procedures for reviewing the cost comparison have been exhausted. Industria Lease Inc. of Fayetteville, B-208460, Aug. 17, 1982, 82-2 C.P.D. ¶ 144. Accordingly, any protest

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to our Office, filed prior to the conclusion of an appeal to the Board, is premature. Space Age Engineering, Inc., B-212248, July 21, 1983, 83-2 CPD ¶ 112.

Harry R. Van Cleve

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General Counsel